

By: Zaffirini

S.B. No. 2025

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a peer support program for residents of state supported living centers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 555, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PEER SUPPORT PROGRAM

Sec. 555.201. PEER SUPPORT PROGRAM ESTABLISHED. (a) The office shall develop and implement in each state supported living center a peer support program under which a state supported living center provides peer support services as an institutional benefit to residents. The program's peer support services must be designed to:

(1) make residents more aware of the restrictions limiting their control over their lives;

(2) encourage a renewed effort by the state supported living center to provide education to residents and families of residents regarding a resident's basic rights and the application of those rights to a person-centered life;

(3) increase the accountability of the state supported living center's staff; and

(4) help protect residents' rights.

(b) In developing and implementing the peer support program, the office may collaborate with the Office of Consumer

1 Rights and Services of the Department of Aging and Disability
2 Services, or its successor agency, and appropriate state protection
3 and advocacy agencies.

4 Sec. 555.202. PEER SUPPORT SPECIALISTS. (a) A peer support
5 program must establish peer support specialists to provide
6 supportive services to residents.

7 (b) An individual is eligible to serve as a peer support
8 specialist only if the individual:

9 (1) has been diagnosed with an intellectual or
10 developmental disability;

11 (2) was a resident of a state supported living center
12 before serving as a peer support specialist;

13 (3) lives independently in the community during the
14 time the individual serves as a peer support specialist; and

15 (4) is knowledgeable regarding resident rights.

16 (c) A peer support specialist shall assist a resident to
17 achieve the resident's goals for independence by helping the
18 resident:

19 (1) develop a specific action plan;

20 (2) access available resources; and

21 (3) understand the resident's rights on a state
22 supported living center campus.

23 Sec. 555.203. PEER SUPPORT SPECIALIST COACHING SERVICES.

24 The office shall provide coaching services to peer support
25 specialists, including:

26 (1) emotional assistance;

27 (2) informational assistance;

1 (3) assistance developing specific action plans; and

2 (4) assistance identifying available resources.

3 Sec. 555.204. INITIAL ESTABLISHMENT AND EXPANSION. (a) The
4 office shall establish a peer support program in three state
5 supported living centers as soon as practicable.

6 (b) The office shall establish a peer support program in
7 each state supported living center in the state not later than
8 September 1, 2021.

9 SECTION 2. Section 555.059(a), Health and Safety Code, is
10 amended to read as follows:

11 (a) The independent ombudsman shall:

12 (1) evaluate the process by which a center
13 investigates, reviews, and reports an injury to a resident or
14 client or an unusual incident;

15 (2) evaluate the delivery of services to residents and
16 clients to ensure that the rights of residents and clients are fully
17 observed, including ensuring that each center conducts sufficient
18 unannounced patrols;

19 (3) immediately refer a complaint alleging the abuse,
20 neglect, or exploitation of a resident or client to the Department
21 of Family and Protective Services;

22 (4) refer a complaint alleging employee misconduct
23 that does not involve abuse, neglect, or exploitation or a possible
24 violation of an ICF-IID standard or condition of participation to
25 the regulatory services division of the department;

26 (5) refer a complaint alleging a criminal offense,
27 other than an allegation of abuse, neglect, or exploitation of a

1 resident or client, to the inspector general;

2 (6) conduct investigations of complaints, other than
3 complaints alleging criminal offenses or the abuse, neglect, or
4 exploitation of a resident or client, if the office determines
5 that:

6 (A) a resident or client or the resident's or
7 client's family may be in need of assistance from the office; or

8 (B) a complaint raises the possibility of a
9 systemic issue in the center's provision of services;

10 (7) conduct biennial on-site audits at each center of:

11 (A) the ratio of direct care employees to
12 residents;

13 (B) the provision and adequacy of training to:

14 (i) center employees; and

15 (ii) direct care employees; and

16 (C) if the center serves alleged offender
17 residents, the provision of specialized training to direct care
18 employees;

19 (8) conduct an annual audit of each center's policies,
20 practices, and procedures to ensure that each resident and client
21 is encouraged to exercise the resident's or client's rights,
22 including:

23 (A) the right to file a complaint; and

24 (B) the right to due process;

25 (9) prepare and deliver an annual report regarding the
26 findings of each audit to the:

27 (A) executive commissioner;

- 1 (B) commissioner;
- 2 (C) Aging and Disability Services Council;
- 3 (D) governor;
- 4 (E) lieutenant governor;
- 5 (F) speaker of the house of representatives;
- 6 (G) standing committees of the senate and house
- 7 of representatives with primary jurisdiction over state supported
- 8 living centers; and

9 (H) state auditor;

10 (10) require a center to provide access to all

11 records, data, and other information under the control of the

12 center that the independent ombudsman determines is necessary to

13 investigate a complaint or to conduct an audit under this section;

14 (11) review all final reports produced by the

15 Department of Family and Protective Services, the regulatory

16 services division of the department, and the inspector general

17 regarding a complaint referred by the independent ombudsman;

18 (12) provide assistance to a resident, client,

19 authorized representative of a resident or client, or family member

20 of a resident or client who the independent ombudsman determines is

21 in need of assistance, including advocating with an agency,

22 provider, or other person in the best interests of the resident or

23 client;

24 (13) make appropriate referrals under any of the

25 duties and powers listed in this subsection; ~~and~~

26 (14) monitor and evaluate the department's actions

27 relating to any problem identified or recommendation included in a

1 report received from the Department of Family and Protective
2 Services relating to an investigation of alleged abuse, neglect, or
3 exploitation of a resident or client; and

4 (15) develop and implement peer support programs under
5 Subchapter F.

6 SECTION 3. This Act takes effect September 1, 2017.